

4 February 2010

BUREAU OF WATER PROTECTION  
OFFICE OF THE ATTORNEY GENERAL



FEB 10 2010

Dear Paul Stacey,

I am writing to you on behalf of The Connecticut Botanical Society regarding the proposed DEP Stream Flow Standards and Regulations. The CT Botanical Society formed in 1903, has a membership of over 500 professional and amateur botanists. We often work with the DEP regarding the protection of native plant species in CT.

These proposed regulations include no language to make sure streamside vernal pools, riparian wetlands, or sloughs are still seasonally flooded, and that groundwater-fed wetlands are not dewatered by diversion wells.

The proposed regulation do not include the flow that supplies riparian wetlands and the plant communities that may include rare species like Green Dragon, *Arisaema dracontium* and False Mermaid Weed, *Floerkea proserpinacoides* as there are no downstream impacts assessment required. They do not adequately protect already impaired (Class 3 or 4) rivers and streams. The greater the existing flow impairment, the more withdrawal would be allowed! We are also concerned about floodplain wetlands that need bank flooding to flood sloughs and disperse seeds.

Provisions for downstream impact biological analysis to field verify the draft withdrawal caps should be part of the regulations! There is no requirement to consider restoration options or collect ecological data from the stream or river, but effects of a substantial withdrawal will extend many miles downstream.

*We suggest field verification be required for each stream reach where a diversion is extant or proposed, to make sure permitted blanket withdrawal caps leave enough water for pollutant/nutrient dilution, to support life cycles of aquatic fauna so as to maintain community diversity, and to sustain plant and animal communities in downstream riparian wetlands.*

All the river groups want the regulations to be passed, as unstocked rivers are now completely unprotected; they will limit withdrawal and water companies are strongly opposing them. However, considerable language needs to be added.

*Carol R Lemmon*

Carol Lemmon  
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